



The State of New Hampshire  
**Department of Environmental Services**



**Michael P. Nolin**  
Commissioner

February 9, 2005

**CERTIFIED MAIL**  
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**RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY**  
**No. WMD 05-06**

George C. Stafford & Sons, Inc.  
P.O. Box 220  
Laconia, NH 03247-0220

Attn: Jeff Pearson, Vice President

**Re: George C. Stafford & Sons, Inc.**  
**231 Court St**  
**Laconia, New Hampshire**  
**EPA ID # NHD500023205**

Dear Mr. Pearson:

On April 27, 2004, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of George C. Stafford & Sons, Inc. ("Stafford") in Laconia, NH. The purpose of the inspection was to determine Stafford's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

1. Env-Wm 502.01 – Hazardous Waste Determination

- (a.) At the time of inspection, Stafford was storing a spray can of brake cleaner, containing tetrachloroethylene, in a "non-hazardous" parts washer. The use of the tetrachloroethylene in the parts washer is a source of contamination that may cause the waste parts washer solvent to become regulated as a hazardous waste mixture.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

Please be advised that a material that is mixed with a listed hazardous waste is also regulated as a hazardous wastes, as specified in Env-Wm 404.01(a)(1). Therefore, if the parts washer solvent is used in conjunction with an F-listed solvent (e.g., tetrachloethylene) the waste parts washer solvent would become regulated as a

hazardous waste mixture. Materials that are mixed with characteristic hazardous wastes (e.g., ignitable, corrosive) are only hazardous if they continue to exhibit the characteristic after mixing has occurred, as specified in Env-Wm 404.01(a)(2). In addition to being a listed hazardous waste, tetrachloroethylene also is a toxicity characteristic hazardous waste (D039) in concentrations greater than or equal to .7 mg/L.

DES requests that Stafford determine whether the parts washer solvent, when it becomes a waste, is a hazardous waste by either applying knowledge of the hazardous properties of the waste parts washer solvent or if Stafford believes that the waste parts washer solvent is not a hazardous waste, a representative sample of the waste parts washer solvent must be tested to prove that the parts washer solvent is non-hazardous. The analyses should include, at a minimum, the Toxicity Characteristic Leaching Procedure (TCLP) for organics using the method described in Env-Wm 403.06.

Stafford will need to provide to DES the results of the hazardous waste determination, along with any other supporting data, such as Material Safety Data Sheets (MSDS) and/or chemical analyses.

- (b.) At the time of inspection, Stafford was manifesting "gasoline and water" as a "D001/D018" hazardous waste and not managing the hazardous waste gasoline and water according to the requirements of the Hazardous Waste Rules.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requests that Stafford manage the hazardous waste gasoline and water according to the rules of Env-Wm 500, including, but not limited to:

- i. The Environmental and Health Requirements specified in Env-Wm 506;
- ii. The Storage Requirements specified in Env-Wm 507.01;
- iii. The Storage Time Requirements specified in Env-Wm 507.02;
- iv. The Packaging/Labeling/Pre-transport Requirements specified in Env-Wm 507.03;
- v. Full Quantity Generator requirements, as specified in Env-Wm 509; and
- vi. The Delivery Requirements specified in Env-Wm 511.01.

**Alternatively, Stafford may handle the gasoline and water as an off-specification commercial chemical product instead of handling it as a hazardous waste. The gasoline and water mixture is considered an off-specification product and is excluded from being a solid waste when it is recovered and used as a fuel. Therefore, fuel and water mixtures generated as a result of fuel management**



activities may be managed as an off-specification commercial chemical product and not as a hazardous or solid waste provided that the mixture only contains fuel and water, and the fuel portion is legitimately reclaimed and used as a commercial fuel. Enclosed please find the DES Environmental Fact Sheet # WMD-HW-30 "Management of Fuel and Water Mixtures" to aid you in determining how to properly handle this material as an off-specification commercial chemical product.

At the time of the inspection, according to DES notification records, Stafford had notified as a Full Quantity Generator (>1000 kilograms/ month). However, gasoline and water that is managed as an off-specification commercial chemical product does not count towards the monthly hazardous waste generation rate. A change in management methods may require a modification of Stafford's generator status to either a Full Quantity Generator (100 - 1000 kilograms/ month) or a Small Quantity Generator (<100 kilograms/ month). DES requests that Stafford review its facility hazardous waste generation rates in order to determine its proper generator status; and if necessary, complete and submit a subsequent notification form that accurately reflects the change in generator status.

If the gasoline and water mixture is not managed as an off-specification commercial chemical product, it would be considered a waste. The *Hazardous Waste Rules* require that all generators of waste determine if their waste is a hazardous waste. Wastes determined to be hazardous must be handled pursuant to the requirements of the *Hazardous Waste Rules*.

Please provide to DES documentation that the gasoline and water mixture is a hazardous waste, being managed according to the requirements of the *Hazardous Waste Rules*, or that the gasoline and water mixture is an off-specification commercial chemical product, being managed according to the guidelines set forth in DES Environmental Fact Sheet # WMD-HW-30 "Management of Fuel and Water Mixtures."

2. Env-Wm 807.06(b)(4) - Standards for Generators of Used Oil Being Recycled

At the time of the inspection, Stafford was storing two (2) containers of used oil destined for recycling, which were not labeled with the words "Used Oil for Recycle."

Env-Wm 807.06(b)(4) requires that generators of used oil destined for recycling label their containers and tanks with the words "Used Oil for Recycle" at all times during accumulation and storage.

DES requests that Stafford label all containers of used oil destined for recycle with the words "Used Oil for Recycle" at all times during accumulation and storage.



3. Env-Wm 807.06(b)(5) – Standards for Generators of Used Oil Being Recycled

At the time of the inspection, the two (2) containers of used oil, destined for recycling, were not closed.

Env-Wm 807.06(b)(5) requires that used oil be placed in containers or tanks that remain closed at all times, except to add or remove wastes.

DES requests that Stafford keep all containers and tanks closed at all times except to add or remove used oil. Safety funnels that thread into the bung and have closeable lids that seal are acceptable for this purpose.

The April 27, 2004 inspection revealed that Stafford generates contaminated wipers that are collected for laundering by an outside contractor. The wipers were stored in unlabeled containers at the time of the inspection. Contaminated wipers generated by Stafford are subject to the enclosed DES Environmental Fact Sheet #WMD- HW-6, "Contaminated Cloth Wipers for Laundering." However, Stafford's management practices are inconsistent with the established policy. Therefore, DES recommends that Stafford amend the current contaminated wiper management and storage practices to establish full compliance. Please submit documentation of full compliance with the DES "Contaminated Cloth Wipers for Laundering" Policy.

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by Stafford can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against Stafford including issuing an order requiring that the deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may re-inspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during this or subsequent inspections of the facility.

The written report as requested above should be addressed as follows:

Robert Bishop, Waste Management Specialist  
DES/WMD  
P.O. Box 95  
Concord, New Hampshire 03302-0095

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This report may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.



The State of New Hampshire Hazardous Waste Rules, as well as other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, the Division currently maintains a Hazardous Waste Assistance Hotline which is available for the public to contact our knowledgeable staff of hazardous waste inspectors. The hazardous waste staff members are available to answer questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program, including the administrative plans and documents required under the Hazardous Waste Rules. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets on specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policies, regulatory interpretation letters and networking with other state or federal agencies to answer any questions at a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM toll-free at (1-866) HAZ-WAST (in-state only) or at (603) 271-2942.

We regret the length of time taken to formally report our findings on your inspection but believe a careful review of all the hazardous waste issues involved regarding the gasoline and water mixture was required for the benefit of both Stafford and DES. In fact, this inspection was one of a series of inspections conducted to better understand the current management of gasoline and water mixtures so that an appropriate policy could be established as seen through the attached fact sheet.

Should you have any questions concerning this letter, or on the proper management of hazardous waste, please contact the lead inspector, Robert Bishop, or Tod Leedberg of the Hazardous Waste Compliance Section at 271-2942. Thank you for your cooperation.

Sincerely,



John J. Duclos, Administrator  
Hazardous Waste Compliance Bureau  
Waste Management Division

*George C. Stafford & Sons, Inc.*  
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**DES**

cc: DB/RCRA/LOD/Archives  
Anthony P. Giunta, P.G., Director, WMD  
Paul L. Heirtzler, P.E., Administrator, Waste Management Programs, WMD  
Gretchen Hamel, Administrator, DES Legal Unit

E-mail: JJD/SD

Enclosure: Hazardous Waste Generator Inspection Report  
DES Environmental Fact Sheet # WMD-HW-30, "Management of Fuel and Water Mixtures"  
DES Environmental Fact Sheet # WMD-HW-6, "Contaminated Cloth Wipers for Laundering."

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